



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MSI/151658

PRELIMINARY RECITALS

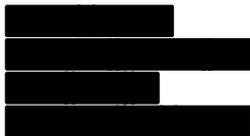
Pursuant to a petition filed August 22, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access And Accountability in regard to Medical Assistance, a hearing was held on October 14, 2013, via telephone.

The issue for determination is whether the Department correctly discontinued Petitioner’s SSI-related Medicaid because he is no longer a Federal SSI cash benefits recipient.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Melissa Sherry (written submission)
State SSI Unit

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Kenosha County.
2. Petitioner was a Federal SSI recipient through July 2013 and, as a result, he was also receiving Medicaid from the State of Wisconsin as a Federal SSI cash benefits recipient.

3. On August 19, 2013 the Department notified Petitioner that his Medicaid would be discontinued effective August 31, 2012 because it had learned that Petitioner's SSI cash benefit had been discontinued by the Federal government's Social Security Administration because Petitioner is incarcerated.
4. Petitioner was incarcerated on or about July 19, 2013 and remains incarcerated awaiting trial.

DISCUSSION

With certain exceptions not applicable here, a person must be receiving Federal SSI in order to receive State Supplement SSI payments and SSI-related Medicaid. *Wis. Stat. § 49.77*. The Social Security Administration (SSA) notified the State of Wisconsin that Petitioner is no longer receiving Federal SSI cash benefits effective August 2013. Therefore, Petitioner is not currently eligible for SSI-related Medicaid, and the Department was correct to discontinue those benefits to Petitioner.

If, at some future date, Petitioner's Federal SSI cash benefits are restored, then the State will restore the SSI-related Medicaid for the period in which he is found eligible by the Social Security Administration. Under the facts in this record, his appeal must be dismissed.

CONCLUSIONS OF LAW

That Petitioner is not eligible for a SSI-related Medicaid, effective August 31, 2013 as he was no longer receiving a Federal SSI payment.

NOW, THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in *Wis. Stat. § 227.49*. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 16th day of October, 2013

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 16, 2013.

Division of Health Care Access And Accountability
State SSI